STATE OF MISSISSIPPI

IN THE COUNTY COURT OF HARRISON COUNTY

I, GAYLE PARKER, Clerk of the County Court of Harrison County, Mississippi, do hereby certify that the above and foregoing constitutes a true and correct copy of the entire file

CATHERINE DRUBE

PLAINTIFF

VS

NO. D2401-13-1618

WALMART STORES, INC

DEFENDANT

as the same now appears.

AND I FURTHER CERTIFY that said County Court is a Court of Record with an official seal, and that I, as Clerk of said County Court, am the custodian of the records and seal of this said court, at the CITY OF GULFPORT on this 4 day of February in the year of our Lord, two thousand fourteen.

GAYLE PARKER Clerk of County Court of Harrison County, Mississippi

Bv:

IN THE COUNTY COURT OF HARRISON COUNTY, MISSISSIPPI FIRST JUDICIAL DISTRICT

CATHERINE DRUBE

PLAINTIFF

VERSUS

CAUSE NO.

3/101-13/1018

WALMART STORES, INC.

DEFENDANT

SUMMONS

THE STATE OF MISSISSIPPI

TO: Walmart Supercenter c/o C.T. CORPORATION SYSTEM 645 Lakewood East Drive Flowood, MS 39532

NOTICE TO DEFENDANT

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand-deliver a copy of a written response to the Complaint to JIM DAVIS, the attorney for the Plaintiff, whose post office address is POST OFFICE BOX 1839, GULFPORT, MS 39502, and whose street address is 1904 24th AVENUE, GULFPORT, MS 39501. Your response must be mailed or delivered within thirty (30) days from the date of delivery of this summons and complaint or a judgement by default will be entered against you for the money or other things demanded in the complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time afterward.

Issued under my hand and the seal of said Court, this 1

_day of November 2013.

GAYLE PARKER, County Court Clerk

Gayle Parker. Circuit Clerk

Harrison County

PO Box 998

6 mort. MS 39502

JIM DAVIS
MSB #5830
1904 24th Avenue
Post Office Box 1839
Gulfport, MS 39502
Phone: 228-864-1588
Fax: 228-863-5008

IN THE COUNTY COURT OF HARRISON COUNTY, MISSISSIPPI FIRST JUDICIAL DISTRICT

CATHERINE DRUBE

PLAINTIFF

VERSUS

CAUSE NO.: 02401 -13-1618

WALMART STORES, INC.

DEFENDANT

COMPLAINT

COMES NOW, CATHERINE DRUBE, by and through his attorney, JIM DAVIS, and files this her COMPLAINT against WALMART STORES, INC., and states her claim for relief as the following, to-wit:

- CATHERINE DRUBE is an adult resident citizen of the First Judicial District of 1. Harrison County, Mississippi and names as her Defendant, Walmart, which can be served with process through its registered agent, C.T. Corporation System, who's address is 645 Lakewood East Drive, Flowood, Mississippi 39232 and service on the manager of Walmart Supercenter located at 9350 Highway 49, Gulfport, Mississippi 39503.
- 2. On or about August 07, 2011, CATHERINE DRUBE was in the Walmart Supercenter located at 9350 Highway 49, Gulfport, Mississippi 39503 standing at the deli counter purchasing an order. She turned around to put the items in her buggy, she tripped on a small table in front of the deli counter and fell. She hit the buggy with her left arm and ribs sustaining bruising and pain in her sternum.
- That the Defendant's own negligence created the dangerously located table that 3. caused the Plaintiff's injury. The Defendant had actual or constructive knowledge of the dangerous condition. The Defendant would have known of the condition if they would have exercised reasonable care.
- 4. The Defendant should have had the area posted for dangerous conditions or posted warnings for customers to travel with caution or to watch their step, or alternatively not have placed the table in a dangerous place or condition.

Case: 24CO1:13-cv-01618 Document #: 1

5. As a result of the Defendant's negligence, the Plaintiff has suffered damages and injury to her person. This includes loss of employment, permanent disability, loss of past, present and future wages and medical bills, at the time of the filing of this complaint, clearly within the Court's jurisdiction.

WHEREFORE, your Plaintiff requests this her COMPLAINT be filed and, upon hearing, she receive damages from the Defendants in an amount determined by the Court, including but not limited to, her past, present and future loss of wages, medical bills, pain and suffering, any permanent disability caused to her person, and all other relief necessary and proper in the premises. Your Plaintiff further requests that she be granted punitive damages for the gross negligence of the Defendant in not having some type of warning sign posted, and for all other relief necessary and proper in the premises.

RESPECTFULLY SUBMITTED, this the 1911 day of November, 2013.

_____ aa, or recombon, 2013.

CATHERINE DRUBE, Plaintiff

BY:

JIM DAVIS

Attorney for Plaintiff

JIM DAVIS
MSB# 5830
1904 24TH Avenue
Post Office Box 1839
Gulfport, MS 39502
Phone: 228-864-1588
Fax: 228-863-5008

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IN THE COUNTY COURT OF HARRISON COUNTY, MISSISSIPPI

CATHERINE DRUBE,

Plaintiff,

vs. * CASE NO. D2401-13-1618

WALMART STORES, INC. *

Defendant. *

NOTICE OF REMOVAL

TO: Gayle Parker, Clerk
County Court of Harrison County, Mississippi
Post Office Box 998

Gulfport, MS 39502

There is hereby filed with you a copy of the Notice of Removal filed by Defendant WAL-MART STORES EAST, LP ("Wal-Mart"), incorrectly identified a "Wal-Mart Stores, Inc.," through undersigned counsel, in the case styled "Catherine Drube vs. Wal-Mart Stores, Inc.," Case Number D2401-13-1618 and designed to remove that action to the United States District Court for the Southern District of Mississippi, Southern Division. This Notice of Removal was sent for filing in the United States District Court for the Southern District of Mississippi, Southern Division, on the February 24, 2014.

Written notice of the filing of said Notice of Removal was given to the attorneys of record for plaintiff herein by service via U.S. mail on the 24th day of February, 2014, and you are hereby notified that the filing of a copy of the aforesaid Notice with you as Clerk of the County Court of Harrison County, Mississippi, effects removal of said cause to the United States District Court for the Southern District of Mississippi, Southern Division.

DATED this February 24, 2014.

/s/ W. Pemble DeLashmet

W. PEMBLE DELASHMET MS 8840 wpd@delmar-law.com CHAD C. MARCHAND MS 102752 ccm@delmar-law.com ASHLEY POWELL GRIFFIN MS 104044 apg@delmar-law.com Attorneys for Wal-Mart Stores East, L.P. (incorrectly identified as Wal-Mart Stores, Inc.)

OF COUNSEL:

Facsimile:

DELASHMET & MARCHAND, P.C. Post Office Box 2047 Mobile, AL 36652 Telephone: (251) 433-1577

(251) 433-1578

CERTIFICATE OF SERVICE

I hereby certify that I have on this 24th day of February, 2014, electronically filed the forgoing document with the Clerk of the Court using the ECF System which sent notification of such filing to Jim Davis, Esquire, attorney for Plaintiff.

/s/ W. Pemble DeLashmet
OF COUNSEL

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